

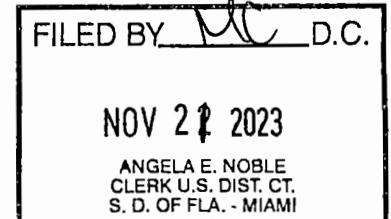
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Civil Case Number: \_\_\_\_\_

Jacob Gibbs  
(Write the full name of the plaintiff)

vs. Eric Volz

\_\_\_\_\_  
(Write the full name of the defendant/s in this case)



COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

I. Party Information

A. Plaintiff: Jacob Gibbs

Address: 673 FAIRGROUNDS Rd Royal Palm Beach FL 33411

Inmate/Prison No.: \_\_\_\_\_

Year of Birth: 1984 (Do not include day or month, pursuant to Fed. R. Civ. P 5.2)

(Write your name, address and prison/inmate number, if applicable)

vs.

B. Defendant: Eric Volz Defendant: \_\_\_\_\_

Official Position: REGIONAL COUNSEL Official Position: \_\_\_\_\_

Place of Employment: Palm Beach County Place of Employment: \_\_\_\_\_

(Write the full name of each defendant, official position and place of employment. Attach a separate page if you need additional space for additional defendants.)

## II. Statement of Claim

Briefly describe the facts of your case. Describe how each defendant is involved, names of other persons involved, and dates and places. Each claim should be stated in a separately numbered paragraph. Please use short and plain statements, with separately numbered paragraphs indicating why the relief requested should be granted. Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

1. FOURTEENTH AMEND. MEANINGFUL ACCESS to the Courts claim. MR. ERIC VOLZ  
INEFFECTIVE COUNSEL DEPRIVED ME OF MEANINGFUL ACCESS to Courts. HE CONSISTENTLY  
FAILS to PETITION COURT ON MY BEHALF. HE DEPRIVED ME OF MY RIGHT to SPEEDY  
TRAIL THEN LIED AND told ME I WAIVED SPEEDY TRAIL due to LAPIMS. I FIRST  
REQUESTED SPEEDY TRAIL ON 8/24/22 MR. VOLZ told ME HE couldn't do it THAT  
DAY but HE'D FILE it. At following COURT DATE ON 9/13/22 I REMINDED MR.  
VOLZ ABOUT SPEEDY TRAIL. ONCE NOTHING HAPPENED ON 3/6/23 I REQUESTED A  
NELSON HEARING.

2. ON 3/28/23 BEFORE THE NELSON HEARING BEGAN MR. VOLZ told ME I WAIVED

## III. Relief Requested

Briefly state what you are requesting from the Court (what do you want the Court to do). Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

DAMAGES: PUNITIVE, COMPENSATORY, NOMINAL AND ANY OTHER RELIEF THE  
COURT DEEMS JUST AND PROPER.

SPEEDY TRAIL DUE TO CAPIAS. WHICH MAKES NO SENSE BECAUSE THE FIRST TIME I REQUESTED SPEEDY TRAIL WAS ON 8/24/22 WHILE I WAS INCARCERATED. THEN DURING THE ACTUAL NELSON HEARING MR. VOLZ FALSELY TESTIFIED TO JUDGE HOWARD COATES THAT I REQUESTED SPEEDY TRAIL BEFORE I WAS INCARCERATED.

3. MR. VOLZ HAS FAILED TO FILE MOTION TO SUPPRESS DISPIE HAVING KNOWLEDGE OF FOURTH AMENDMENT VIOLATION SINCE 9/13/22. I CONTINUED TO REQUEST AND INQUIRE ABOUT MOTION TO SUPPRESS AT EVERY OPPORTUNITY WHICH WAS MY NEXT TWO COURT DATES ON 3/6/23 AND AT NELSON HEARING ON 3/26/23. BUT TO NO AVAIL. MR. VOLZ FAILS TO GIVE MY CASE NECESSARY ATTENTION AND ADEQUATE RESEARCH. HIS ENTIRE COUNSEL HAS BEEN HIM TRYING TO CONVINCE ME TO ACCEPT THE STATE'S GUILTY PLEA DEAL. EVEN THOUGH I'VE CONSISTENTLY TOLD HIM I'M NOT INTERESTED IN GUILTY PLEA DEAL TILL ATLEAST AFTER MOTION TO SUPPRESS. YET HE STILL HASN'T FILED I BEEN WAITING FOR OVER TEN MONTHS. I'VE ALREADY DONE THE TIME THE STATE OFFERED IF MR. VOLZ WOULD HAVE FILED THE MOTION TO SUPPRESS WE COULD HAVE HANDLED THE CASE

4. I REQUESTED A BOND HEARING THROUGH SEVERAL PHONE CALLS WITH MR. VOLZ SECRETARY IN FEBRUARY AND MARCH, 2023 AND WITH HIM DIRECTLY ON 3/6/23 (AFTER THE CHARGES THAT VIOLATED MY BOND WERE HANDLED). MR. VOLZ TOLD ME I HAD OPEN CASES WHICH IS INCORRECT (WHICH I DISPUTED) AND HE SHOULD HAVE KNOWN BECAUSE HE WAS COUNSEL IN THE OTHER CASE. AFTER SEVERAL MONTHS OF INACTION I REQUESTED A NELSON HEARING ON 3/6/23 WHICH JUDGE HOWARD COATES SET FOR 3/26/23. MR. VOLZ BRIEFLY SPOKE WITH ME BEFORE THE NELSON HEARING ON 3/26/23. I REITERATED MY COMPLAINTS ONE OF WHICH WAS MY REQUEST FOR A BOND HEARING. MR. VOLZ TOLD ME HE'D GET ME A BOND HEARING THE FOLLOWING THURSDAY. IT NEVER HAPPENED.

5. A COUPLE MONTHS LATER IN MAY, 2023 I REQUESTED A EMERGENCY BOND HEARING WITH MR. VOLZ SECRETARY. ABOUT A WEEK LATER MR. VOLZ DID A VIDEO TELECONFERENCE WITH ME AND TOLD ME HE'D GET ME A BOND HEARING. IT NEVER HAPPENED.

6. Sixth Amend. Right to EFFECTIVE COUNSEL. MR. Volz COUNSEL IS NEGLIGENT AND GROSSLY INEFFECTIVE. HE CONTINUOUSLY FAILS TO RESEARCH FACTS AND EVIDENCE, PETITION THE COURT AND PREPARE MOTIONS.

DURING limited opportunity (BEFORE COURT) ON 9/13/22, 3/6/23 AND 3/28/23 I EXPLAINED TO MR. Volz HOW LAW ENFORCEMENT VIOLATED MY FOURTH AMENDMENT RIGHTS BY EXCEEDING SCOPE OF SEARCH WARRANT IN UNLAWFULLY SEIZING MY PROPERTY AND DNA WITHOUT PROBABLE CAUSE. I WAS NOT NAMED IN SEARCH WARRANT, AND THE SEARCH WARRANT WOULD PROVE THAT. MR. Volz HAS BEEN AWARE OF THIS INFORMATION SINCE 8/24/22 BUT HAS FAILED TO ACT DISPUTE REQUEST FOR SPEEDY TRIAL AND MOTION TO SUPPRESS.

ON 9/13/22 I REQUESTED DISCOVERY AND SEARCH WARRANT FROM MR. Volz. HE TOLD ME HE'D MAIL THE DOCUMENTS TO ME. MR. Volz NEVER PROVIDED DISCOVERY OR SEARCH WARRANT DISPUTE SEVERAL REQUEST WITH HIM DIRECTLY IN COURT, SEVERAL MESSAGES WITH HIS SECRETARY AND A COURT ORDER ON 3/28/23

7. NEGLIGENCE CLAIM. MR. Volz FAILS TO COMMUNICATE. WITHIN A YEAR'S TIME I'VE ONLY HAD ONE OPPORTUNITY (OUTSIDE OF LIMITED FEW MINUTES BEFORE COURT) TO DISCUSS THE CASE WITH MR. Volz DISPUTE NUMEROUS PHONE CALLS. DURING THAT ONE AND ONLY VIDEO TELECONFERENCE MR. Volz SOLE PURPOSE WAS TO CONVINCE ME TO ACCEPT TIME SERVED GUILTY PLEA AND DISCOURAGE ME FROM FIGHTING THE CASE. EVEN THOUGH I'VE CONSISTENTLY TOLD MR. Volz FOR OVER FEW MONTHS I'M NOT INTERESTED IN GUILTY PLEA UNTILL AFTER MOTION TO SUPPRESS. MR. Volz FAILURE TO COMMUNICATE AND INADEQUATE PREPARATION HAS PROLONGED MY INCARCERATION. I'VE ALREADY COMPLETED TIME THE STATE OFFERED AND MR. Volz BEEN AWARE OF FOURTH AMENDMENT VIOLATION SINCE 8/24/22. SO WITH ADEQUATE COMMUNICATION AND PREPARATION THE CASE COULD HAVE BEEN HANDLED BY MOTION TO SUPPRESS OR STATE'S PLEA DEAL OR SPEEDY TRIAL.

8. Sixth Amend. Right to EFFECTIVE COUNSEL. MR. Volz CONSTANTLY MISREPRESENTS THE TRUTH. WHETHER ITS TELLING ME HE'S GONNA DO SOMETHING (SPEEDY TRIAL, BOND HEARING, SEND DISCOVERY, SEARCH WARRANT) THEN FAILS TO FULFILL OBLIGATION OR HIS GENERAL LACK OF KNOWLEDGE OF THE LAW.

MR. Volz TOLD ME AT VIDEO TELECONFERENCE ON 5/30/23 THAT PALM

Beach County no longer does "Nolo Contendere" Then he misrepresented the meaning of the "inevitable discovery doctrine" in an attempt to convince me that motion to suppress won't work. I fact-checked both statements and established case law clearly contradicts what he told me. I then tried calling him a week later to clarify issue but was unable to get in contact with him so I left message with secretary.

9. Unlawful Refusal to Provide Public Records claim. I made several direct request with Mr. Volz on 9/13/22, 3/6/23 and 3/28/23 and also with his secretary (by phone) for discovery and search warrant. Mr. Volz never provided. On 3/28/23 Judge Howard Coates ordered him to provide. Mr. Volz still has not complied.

10. First Amend. Retaliation claim. Once I requested a Nelson hearing and submitted written complaints to Judge Howard Coates on 3/28/23. Mr. Volz retaliated by stating to the court when asked to reply to my complaint about Speedy Trial violation. "Mr. Gibbs DNA is on gun, in Mr. Gibbs room with Mr. Gibbs mail." All of which I've strongly contested since 8/24/22 but Mr. Volz has failed to act on. I've even provided him with evidence (search warrant, discovery) that refutes what he stated. Mr. Volz statement is strange considering the fact that I've contested what he said for months and his failure to act is why I requested Nelson hearing and his response was to my complaint about Speedy Trial violation.

11. Fourteenth Amend. Due Process claim. Mr. Volz failure to file motions (Speedy Trial, motion to suppress, bond hearing). Mr. Volz misinformation and misrepresentation to me and the court (during Nelson hearing). Mr. Volz continuously undermining my case.

12. Fourteenth Amend. Due Process claim. Mr. Volz deprived me of freedom by refusing to provide me a bond hearing despite several request over several months. Which directly aided the state attorney's prosecution

13. Due to Mr. Volz failure to provide any meaningful adequate counsel I was forced to accept time served guilty plea on 10/30/23. If Mr. Volz would have provided on any of my

MANY REQUEST FOR SPEEDY TRIAL, BOND-HEARING AND motion to suppress I COULD HAVE BEEN RELEASED. INSTEAD MR. VOLZ WOULD UNDERMINE MY CASE, DO NOTHING AND SIMPLY IGNORE ME.

14. MR. VOLZ HAS KNOWN FOR OVER A YEAR THAT I WASN'T INTERESTED IN GUILTY PLEA. HE'S KNOWN FOR OVER A YEAR THAT I WANTED SPEEDY TRIAL, motion to suppress AND A BOND-HEARING. BUT HE IGNORED MY MANY, MANY REQUEST AND CONTINUALLY SET PLEA CONFERENCES, WHICH DIRECTLY AIDED THE STATE'S TIME-SERVED AGENCY. MR. VOLZ CLAIM I MIGHT AS WELL ACCEPT PLEA SINCE I BEEN LOCKED UP THIS LONG.

15. MR. VOLZ DELIBERATELY WITHHELD COURT-ORDERED EVIDENCE TO KEEP ME ILL-INFORMED SO I'LL BELIEVE HIS CONSTANT MIS-INFORMATION AND TAKE THE STATE'S GUILTY PLEA.

16. MR. VOLZ CONSTANTLY PROVIDES ME WITH MIS-INFORMATION AND MIS-REPRESENTS THE TRUTH.

17. ON 10/30/23 I EXPECTED TO FINALLY HAVE THE motion to suppress HEARING THAT I BEEN WAITING ON. INSTEAD ITS ANOTHER PLEA CONFERENCE WHERE THE STATE ATTORNEY CLAIMS IF I DON'T TAKE PLEA THEN SHE'LL UP MY CHARGE FROM CONSTRUCTIVE TO ACTUAL POSSESSION AND THEN THE PLEA WILL BE 3 YEARS MINIMUM MANDATORY. I ASKED MR. VOLZ FOR ADVICE. I ASKED HIM HOW SHE COULD DO THAT WHEN I NEVER HAD FIREARM. HE TOLD ME SHE COULD DO THAT BECAUSE MY DNA IS ON GUN AND I'D BE FOUND GUILTY. SO I JUST ACCEPTED TIME SERVED GUILTY PLEA.

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BY